

Application No.: 10/588,586
Filing Date: June 13, 2007

REMARKS

By way of summary, Claims 26-52 were previously pending in the above-identified application. Claims 26, 28-31, 33, 35, 37, 40, 43 and 45-47 have been amended. Claims 44 and 48-52 have been canceled without prejudice or disclaimer. Claims 27, 32, 34, 36, 38, 39, 41 and 42 remain unchanged. Accordingly, Claims 26-43 and 45-47 are presented for further consideration.

Response to Objections to the Drawings

The Office Action objected to Figs. 4a-4c for missing reference signs and objected to Fig. 5a for an incorrect reference sign. Applicant has made appropriate amendments to Figs. 4b, 4c and 5a. Applicant does not believe it is necessary to amend Fig. 4a, as Fig. 4a is not missing any reference signs. Accordingly, Applicant respectfully requests that the objections to Figs 4a-4c and 5a be withdrawn.

Response to Objections to the Specification

The Office Action objected to the Specification Pars. [0009], [0066] and [0068]. Par. [0009] was objected to for failing to reference any figure with regards to the numbers 20, 21, 80 and 139. Par. [0066] was objected to for failing to reference any figure with regards to the numbers 6346, 6347 and 1214. Par. [0068] was objected to for describing "ports 18 and 25" with reference to Fig. 5b which uses the numbers 80 and 25. Applicant has made appropriate correction to Par. [0068], but respectfully submits that no correction is necessary for Pars. [0009] and [0066]. The numbers 20, 21, 80 and 139 in Par. [0009] and the numbers 6346, 6347 and 1214 in Par. [0066] do not refer to reference signs in the Drawings. Rather, these numbers refer to standardized port numbers used, for example, in IP communication networks. For example, ports 20 and 21 can be used for FTP data and control, respectively, port 80 can be used for HTTP, and port 139 can be used for NetBIOS. Similarly, ports 6346 and 6347 can be used with two variants of Gnutella in P2P traffic, and port 1214 can be used with Kazaa in P2P traffic. Accordingly, Applicant respectfully requests that the objections to the Specification be withdrawn.

Response to Rejections of Claims 26-47 and 50-52 under 35 U.S.C. § 112

The Office Action rejected Claims 26-47 and 50-52 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

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matter which Applicant regards as the invention. Applicant has canceled Claims 44 and 50-52 without prejudice or disclaimer. Applicant has amended Claims 26, 28-31, 33, 35, 37, 40, 43 and 45-47, and believes these amendments address all of the Examiner's concerns. In particular, with respect to Claim 26, Applicant submits that there is no contradiction between the statement that traffic is controlled on a data network and the statement that traffic is part of a communication session between a first entity and a second entity. Indeed, the communications session is taking place over the data network. Accordingly, Applicant respectfully requests that the rejections of Claims 26-43 and 45-47 under 35 U.S.C. § 112 be withdrawn.

Response to Rejections of Claims 44, 48 and 50-52 under 35 U.S.C. § 101

The Office Action rejected Claims 43, 44, 48 and 50-52 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 44, 48, 50-52 have been canceled without prejudice or disclaimer. Applicant has amended Claim 43, and believes this amendment addresses all of the Examiner's concerns. Accordingly, Applicant respectfully requests that the rejection of Claim 43 under 35 U.S.C. § 101 be withdrawn.

Response to Rejections of Claims 26-52 under 35 U.S.C. § 103(a)

The Office Action rejected Claims 26-52 under 35 U.S.C. § 103(a). Claims 26-29, 32, 38-46 and 50-52 were rejected as being unpatentable over U.S. Pat. No. 6,754,188 to Garahi et al. ("Garahi") in view of U.S. Pat. No. 6,466,578 to Mauger et al. ("Mauger"). Claims 30 and 31 were rejected as unpatentable over Garahi and Mauger, in further view of U.S. Pub. No. 2002/0161836 by Hosomi ("Hosomi"). Claims 33, 34 and 47 were rejected as being unpatentable over Garahi and Mauger, in further view of U.S. Pat. No. 5,550,914 to Clarke et al. ("Clarke"). Claim 35 was rejected as being unpatentable over Garahi and Mauger, in further view of U.S. Pat. No. 5,593,502 to Helbig, Sr. ("Helbig"). Claims 36 and 37 were rejected as being unpatentable over Garahi and Mauger, in further view of U.S. Pub. No. 2003/0229900 by Reisman ("Reisman"). Claims 48 and 49 were rejected as being unpatentable over Garahi in view of U.S. Pat. No. 6,954,797 to Takeda et al. ("Takeda"). Applicant respectfully disagrees and traverses these rejections, the characterization of the pending claims, and each and every implicit and explicit official notice. However, Applicant has amended Claims 26, 28-31, 33, 35, 37, 40, 43 and 45-47 to clarify the claimed features. Applicant has canceled Claims 44 and 48-

52 without prejudice or disclaimer. Applicant reserves the right to pursue any of the originally and previously presented and canceled claims in one or more related applications.

Independent Claim 26

Claim 26 recites and Garahi, either alone or in combination with Mauger, fails to disclose, *inter alia*, “reading signaling data for a second traffic of a further or resumed communications session on said network and comparing said read signaling data with said stored signaling data to identify said second traffic as a further traffic of said controlled traffic content type; and controlling said further or resumed communications session responsive to said identification.”

The Office Action indicates that Garahi does not disclose “reading signaling data for a second traffic of a further or resumed communications session on said network and comparing said read signaling data with said stored signaling data to identify said second traffic as a further traffic of said controlled traffic content type; and controlling said further or resumed communications session responsive to said identification,” as recited by Claim 26, but suggests that Mauger teaches these features. Applicant respectfully disagrees. Mauger discloses:

The routing function compares the packet header information with the entries in a content addressable memory to ascertain whether or not the incoming packet belongs to an already identified flow. If this is the case, the packet is segmented and encapsulated via an encapsulation function....The existence of a flow may be determined for example by identification of a number of IP packets having the same source and destination identifiers.

Mauger Spec., col. 3, lns. 41-51. In other words, the routing function of Mauger routes packets within the same flow or session. In contrast, Claim 26 recites “reading signaling data for a second traffic of a further or resumed communication session” and “controlling said further or resumed communications session” (emphasis added). Mauger does not disclose how “further or resumed communication sessions” (i.e., not within the same flow or session) could be identified and routed. Faced with the problem of controlling further sessions, Mauger does not suggest how further sessions could be identified and routed, as these are not part of the same session or flow; therefore, it would not have been obvious to modify Garahi accordingly.

In addition, Mauger defines a flow “as an established sequence of IP packets from a source to a destination.” Mauger Spec., col. 2, lns. 32-33. Mauger further discloses that “[t]he existence of a flow may be determined for example by identification of a number of IP packets

having the same source and destination identifiers.” Mauger, Spec., col. 3, lns. 48-51. These source and destination identifiers are stored in the header of an IP data packet. Mauger Spec., col. 3, lns. 26-32. Mauger discloses that a flow is determined by “compar[ing] [this] packet header information,” Mauger Spec., col. 3, lns. 41-42. Thus, Mauger does not use “payload data” for establishing the existence of a flow. Therefore, a person having ordinary skill in the art at the time of invention would not have been motivated to combine Garahi and Mauger, as these references disclose using different information and using that information for different purposes. However, even assuming, *arguendo*, that there was motivation to combine Garahi and Mauger, that combination would not result in “reading signaling data for a second traffic of a further or resumed communications session on said network and comparing said read signaling data with said stored signaling data to identify said second traffic as a further traffic of said controlled traffic content type,” since neither Garahi nor Mauger teaches or suggests such features.

For the reasons stated above, Applicant respectfully requests that the rejection of Claim 26 be withdrawn and that Claim 26 be passed to allowance.

Independent Claim 43

Claim 43 recites and, for similar reasons as expressed above in relation to Claim 26, Garahi, either alone or in combination with Mauger, fails to disclose, *inter alia*, “reading signaling data for a second traffic on said network; comparing said read signaling data with said stored signaling data to identify an attempt to begin a further communications session of said controlled traffic content type or to resume said communications session; and controlling said further or resumed communications session responsive to said identification.” Accordingly, Applicant respectfully requests that the rejection of Claim 43 be withdrawn and that Claim 43 be passed to allowance.

Independent Claim 45

Claim 45 recites and, for similar reasons as expressed above in relation to Claim 26, Garahi, either alone or in combination with Mauger, fails to disclose, *inter alia*, “said processor is configured to...read signaling data for a second traffic on said network and to compare said read signaling data with said stored signaling data to identify an attempt to begin a further communications session of said controlled traffic content type or to resume said communications session; and control said further or resumed communications session responsive to said

identification.” Accordingly, Applicant respectfully requests that the rejection of Claim 45 be withdrawn and that Claim 45 be passed to allowance.

Dependent Claim 28

Claim 28 depends directly from Claim 26 and is believed to be patentably distinguished for the reasons set forth above in relation to Claim 26, and for the additional features recited therein. Specifically, Garahi fails to disclose, *inter alia*, “wherein said reading of signaling data for the second traffic includes reading at least a portion of said signaling data for said second traffic.” The Office Action stated that Garahi discloses examining the contents of a packet. However, “content” in the context of Garahi refers to the data content. For instance, Garahi describes how routing is selected based upon characteristics of the data content (latency, BER). Garahi Spec., col. 6, tables 1-3 and Ins. 43-53; Fig. 4, step 1020. Therefore, Garahi does not disclose reading the “signaling data.”

Furthermore, Garahi fails to disclose, *inter alia*, “wherein said method includes determining from said signaling data an address of an originator of said further or resumed communications session.” Garahi discloses that “the controller 112 or node 102-1 will attach routing addresses to the data packet in the form of a header” and “when the transceiver 108 of node 102-3 receives the data packet, the controller 112 of node 102-3 will control its transceiver 108 to transmit the data packet to the destination node 102-5.” Garahi Spec., col. 6, Ins. 59-50 and col. 6, ln. 67 – col. 7, ln. 3. Thus, Garahi discloses that routing addresses (i.e., addresses of further nodes in the transmission path) are read and does not suggest that the address of the originator is read. Presented with Garahi, a person having ordinary skill in the art at the time of invention would not have been motivated to read the address of the originator, as this would not contribute to the routing to further nodes.

For the reasons stated above, Applicant respectfully requests that the rejection of Claim 28 be withdrawn and that Claim 28 be passed to allowance.

Dependent Claims 27, 29-42 and 46-47

Claims 27, 29-42 and 46-47 each depend, either directly or indirectly, from one of independent Claims 26 and 45. They are each believed to be patentably distinguished, *inter alia*, for the reasons set forth above in relation to the independent claim from which they depend and for the additional features recited therein and in any intervening claims. Furthermore, with

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respect to Claims 30 and 31, Hosomi fails to disclose, *inter alia*, the deficiencies of Garahi and Mauger discussed above in relation to Claim 26. With respect to Claims 33, 34 and 47, Clarke fails to disclose, *inter alia*, the deficiencies of Garahi and Mauger discussed above in relation to Claims 26 and 45. With respect to Claim 35, Helbig fails to disclose, *inter alia*, the deficiencies of Garahi and Mauger discussed above in relation to Claim 26. With respect to Claims 36 and 37, Reisman fails to disclose, *inter alia*, the deficiencies of Garahi and Mauger discussed above in relation to Claim 26. Accordingly, Applicants respectfully request that the rejections of Claims 27, 29-42 and 46-47 be withdrawn and that these claims be passed to allowance.

No Disclaimers or Disavowals

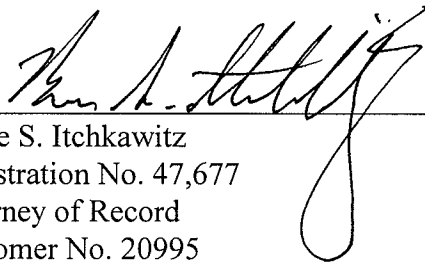
Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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